

**NURSING HOME ADMINISTRATOR EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
OCTOBER 18, 2001**

PRESENT: David Egan, Dr. Robert Kessler, Anthony Oberbrunner, Karen Robinson, Jerry Schallock, and Patricia Schulz ,

ABSENT: Elaine August, Robert Mulder, and Roxann Sobek

STAFF PRESENT: Cletus Hansen; Jefferson-Moore, Legal Counsel; Candace Bloedow for a portion of the meeting

CALL TO ORDER

The meeting was called to order at 9:35 a.m. by Karen Robinson, Chair. A quorum of 5 voting members was present.

AGENDA

MOTION: Pat Schulz moved, seconded by David Egan, to approve the agenda, as published. Motion carried unanimously.

MINUTES (8/16/01)

MOTION: Pat Schulz moved, seconded by David Egan, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Oscar Herrera, Secretary

Secretary Herrera was not available at 9:40 a.m.; however, he did address the Board at 11:15 a.m.

Secretary Herrera informed the Board about several biennial budget items that affect the Department. He said that a 5% cut in state budgets did not affect the Department's operations, because the Department has a reserve fund. The Department received three positions in DOE. Secretary Herrera also said that provisions pertaining to closing agents and a cemetery management fund were vetoed. The Department had requested the vetoes. Secretary Herrera thanked the Board, on behalf of the Governor, for their time and efforts as Board members. Karen Robinson thanked Mr. Herrera for sending letters to Representatives Scott Jensen and Steve Foti, regarding the Board's proposed legislation.

Bureau Director's Report

- **Board Roster**

Noted

- **2001 Meeting Dates**

Copies the 2001 meeting dates and the proposed 2002 meeting dates were included in the agenda packet. The Board decided to only meet four times next year: March 21, June 20, September 12, and December 19.

- **To-Do List**

Noted

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules**

Noted

- **Monthly Press Releases**

Noted

- **To-Pass Folder**

Noted

LEGISLATIVE UPDATE

AB 207, Requirements that Apply to a Person Taking the Examination for a Nursing Home Administrator License

Karen Robinson reported that she had contacted Representative Steve Foti's office and requested that this bill be scheduled for action on the Assembly Floor. She also referred to letters in the meeting packet that Secretary Herrera had sent to Representative Foti and to Representative Scott Jensen. Clete Hansen advised that, if the Assembly passes the bill, the bill would be messaged to the Senate and a Senate committee would probably hold a hearing on it. Then the bill would go to the Senate Floor.

Biennial Budget

Clete Hansen called the Board's attention to the changes in license fees.

2001 AB 457 Regarding Health Care Workers

Noted

ADMINISTRATIVE RULES UPDATE

Review of Wisconsin Legislative Council Rules Clearinghouse Report

MOTION: Dr. Robert Kessler moved, seconded by Jerry Schallock, to approve the changes recommended in the Clearinghouse Report. Motion carried unanimously.

Revision of NHA Rules – Hearing at 10:00 A.M.

Karen Robinson conducted the hearing on Clearinghouse Rule 01-101. No member of the public was present. Ms. Robinson noted that written comments may be filed on or before November 1, 2001.

MOTION: Jerry Schallock moved, seconded by Dr. Robert Kessler, to approve the rule draft, as amended pursuant to the recommendations of the Rules Clearinghouse, and that staff be authorized to send the draft to the legislative committees, provided that no written comments are received which recommends changes to the proposal. Motion carried unanimously.

HFS Rulemaking Activity

The Board reviewed the September and October Monthly Rule Summaries, prepared by the Bureau of Quality Assurance and submitted by Tony Oberbrunner.

Karen Robinson noted that the Industry Advocacy Meeting is scheduled for December 13, 2001, at 10 a.m. This is the same date as the next Board meeting. If the Board has a quorum without her, she will not attend the Board meeting. Otherwise, she will.

EXAMINATION ISSUES

Report of Exam Center

Darwin Tichenor explained that the testing agency, PES, gives the Board two opportunities per year to review the state exam questions – July and December. He said he would like to have at least two licensee-members of the Board participate in the review. The Board agreed to schedule a review following the December Board meeting.

NAB Notice of Changes in Administration

The Board noted the correspondence received from the NAB, including the revised “Information for Candidate Handbook.”

BOARD MEMBER ACTIVITY

Nothing to discuss.

NAB NEWS

Noted

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Complaints Received in 2001

Noted. Karen Robinson requested the following additional information: "Of the 80 unlicensed practice complaints, how many are nursing home administrator complaints?"

Other

The Board noted and commented on a NAB news release, entitled "Nursing Home Administrators: A Vanishing Profession."

The Board also noted an e-mail message, entitled "CMS TELLS SURVEYORS TO LOOK CLOSELY AT RESIDENTS' DENTAL/ORAL HEALTH." Pat Schulz agreed to provide the Board at the next meeting information about current reimbursement rates for the dental care of nursing home residents.

NEW BUSINESS

None

RECESS TO CLOSED SESSION

MOTION: Pat Schulz moved, seconded by Jerry Schallock, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b), (f) and (g), Wis. Stats.: to consider the licensing or discipline of a person licensed by this Board or the investigation of charges against such a person. Specifically, to discuss case status reports and case closings. Motion carried by a roll call vote: David Egan - yes; Dr. Robert Kessler - yes; Jerry Schallock - yes; Pat Schulz - yes; Karen Robinson - yes. Motion carried unanimously.

Open Session recessed at 10:20 a.m.

The Board deliberated on an application for the exam, submitted by Vincent Bergstrom, and reviewed the status of a complaint with the investigator, Candace Bloedow.

RECONVENE IN OPEN SESSION

MOTION: Pat Schulz moved, seconded by David Egan, to reconvene in Open Session at 11:10 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

APPLICATION OF VINCENT BERGSTROM

MOTION: David Egan moved, seconded by Pat Schulz, to deny the application of Vincent Bergstrom for the NHA exam, because the applicant was convicted of crimes substantially related to the practice of a nursing home administrator. Motion carried unanimously.

OTHER SUCH ITEMS AS AUTHORIZED BY LAW

None

ADJOURNMENT

MOTION: Jerry Schallock moved, seconded by Roxann Sobek, to adjourn the meeting at 11:22 a.m. Motion carried unanimously.